

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

Andre Grant,

Petitioner, : Case No. 3:04-cr-191(6)

- vs -

: District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

United States of America, :

Respondent. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #263), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 6, 2010, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's Application for Certificate of Appealability included in his Notice of Appeal (Doc. #262) is DENIED.

May 17, 2010

*\*s/THOMAS M. ROSE*

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Thomas M. Rose  
United States District Judge